

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KATELYNN RAQUEL
SYLVESTER, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LISA MARIE SYLVESTER,

Respondent-Appellant,

and

STEVEN MILLER, a/k/a STEVE MILLER,

Respondent.

UNPUBLISHED

July 29, 2003

No. 243068

Wayne Circuit Court

Family Division

LC No. 01-399278

Before: Sawyer, P.J., and Meter and Schuette, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to her child pursuant to MCL 712A.19b(3)(c)(i) and (g).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I) (now MCR 3.977[J]); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the

¹ The trial court's order also terminated respondent's parental rights to two other children. Respondent does not challenge the trial court's termination of her parental rights to these children. The trial court's order also terminated the parental rights of respondent Steven Miller, also known as Steve Miller, the putative father of Katelynn. Miller has not appealed the order.

child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

The trial court did not clearly err by finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent's parental rights. The child was removed from respondent's custody due in large part to respondent's longstanding abuse of cocaine and alcohol. The evidence produced at the permanent custody hearing showed that respondent failed to comply with the parent-agency agreement by obtaining suitable housing, providing verification of a consistent legal source of income, and successfully addressing her substance abuse problem. Respondent completed two inpatient substance abuse treatment programs; however, she continued to abuse cocaine.

The trial court's finding that it was not reasonably likely that respondent would be able to demonstrate compliance with the parent-agency agreement and successfully address her substance abuse problem within a reasonable time was not clearly erroneous in light of all the evidence. *Sours, supra*. The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that the conditions that led to adjudication continued to exist and were not likely to be rectified within a reasonable time, MCL 712A.19b(3)(c)(i), and that respondent failed to provide proper care or custody for the child and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g). The evidence did not establish that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *Trejo, supra*.

Affirmed.

/s/ David H. Sawyer
/s/ Patrick M. Meter
/s/ Bill Schuette